

REMARKS

Applicant has carefully considered the rejections made in the Office Action mailed September 10, 2008 (the "Office Action"). Claim 10 has been amended, and exemplary support for this amendment can be found at least in paragraphs [0021] and [0058] of the published subject application.

Claims 10 and 12-18 are pending in this application and stand rejected. Applicant respectfully submits that in view of the amendments made, and the remarks that follow, the application is in condition for allowance. Applicant earnestly solicits the Examiner for a Notice of Allowance.

I. Claims 10 and 12-16

Applicant respectfully traverses the Office Action's rejection of claims 10 and 12-16.

A. Claims 10 and 12-15

Applicant respectfully traverses the Office Action's rejection of claims 10 and 12-15 under 35 U.S.C. § 103(a) as being unpatentable over Rein (U.S. Patent No. 5,390,206) in view of Kasuga (U.S. Patent No. 6,470,235). As the Office Action correctly notes on page 3, Rein fails to disclose "a processing program directly executable by the processing unit that alters how the processing unit operates the actuator." If Rein fails to disclose a processing program directly executable by the processing unit as the Office Action notes, then Rein must also fail to disclose at least the "processing program being stored in the command transmitter in a form directly executable by a microprocessor of the processing unit." However, applicant respectfully traverses the Office Action's assertion that Kasuga makes up for the deficiencies of Rein.

1. Kasuga does not transmit a program directly executable by the processing unit.

Unlike the claimed invention, Kasuga discloses a system that transmits instructions to a robot in RCODE language. As explained in Kasuga, "RCODE is a

program language developed for controlling the robot 1 with simple commands.”

Kasuga, col. 13, ll. 65-66.

An interpreter, which is “a high-level-language program that reads and interprets a program described in RCODE form line by line,” is used to execute the program transmitted by the host computer. Kasuga, col. 11, ll. 27-29. As explained in Kasuga,

[W]hen the host computer 100 which uses the RCODE to edit the action-processing program and the robot 1 which executes the action-processing program are linked to each other . . . the host computer 100 transmits the RCODE program in units of lines or steps, and the interpreter of the robot 1 can sequentially interpret and execute the RCODE program.

Kasuga, col. 27, ll. 6-14. “The interpreter is a high-level-language program by which a program described in an RCODE form is read, interpreted, and executed.” Kasuga, col. 28, ll. 9-11.

Accordingly, it is clear that a single RCODE instruction needs several and maybe even a large quantity of elementary machine instructions to be executed. For instance, to “[p]erform an absolute positional move of the head unit,” the RCODE command is “MOVE:HEAD:ABS:<tilt>:<pan>:<roll>:<time>”. Kasuga, col. 18, ll. 53-55.

Conversely, the claimed invention requires that the command transmitter transfer to the processing unit “a processing program directly executable by the processing unit” and that the processing program is “stored in the command transmitter in a form directly executable by a microprocessor of the processing unit.” As explained in paragraph [0058] of the published subject application, “the binary words stored in memory will be directly interpreted as programming instructions, called “machine language” or “assembler”, by the microprocessor (3) of the processing unit 10.” In the claimed invention, no interpreter is needed at the level of the receiver in order to translate the processing program into “machine language.” Accordingly, the claimed invention is quite different and unlike Kasuga.

2. The functionalities of the robot in Kasuga cannot be improved.

Further unlike the claimed invention, the robot of Kasuga has “middleware” that allows elementary functions of the robot. See Kasuga, col. 28, ln. 5. As explained in Kasuga, [t]he middleware is a processing engine that performs control of walking by the

robot 1 and other leg actions . . . , etc.” Kasuga, col. 28, ll. 21-25. However, in Kasuga, there is no way to change the middleware of the robot in order to improve existing functionalities of the robot or to add new functionalities.

Conversely, the claimed invention requires a “system to improve, on site, the existing functionalities of an equipment of a building, making it possible to confer on the equipment new functionalities that were not installed in this equipment at the time of its installation.” This is quite different and unlike the system disclosed in Kasuga.

3. The transferred program in Kasuga is stored in RAM.

Even more unlike the claimed invention, Kasuga discloses a system in which the transferred program is stored in a RAM memory. See Kasuga, col. 8, ll. 5-8. Conversely, the claimed invention requires a “system to improve, on site, the existing functionalities of an equipment of a building, making it possible to confer on the equipment new functionalities that were not installed in this equipment at the time of its installation.” To that end, the transferred program of the claimed invention can include new permanent features of the equipment.

As explained in paragraph [0027] of the published subject application, “[t]he processing unit (10) executes the programs contained in a defined non erasable program memory (7) and, depending on the forms of embodiment, in at least a first reprogrammable memory (8) and/or a second reprogrammable memory (9)” These reprogrammable memories can be of the EEPROM type, for example. See Grehan, pars. [0038] – [0039]. Accordingly, the claimed invention is quite different and unlike Kasuga.

4. The claimed invention is not obvious.

For at least the reasons as stated above, applicant respectfully submits that claims 10 and 12-15 are not obvious over Rein in view of Kasuga. Therefore, applicant respectfully requests allowance of these claims.

B. Claim 16

Applicant respectfully traverses the Office Action's rejection of claim 16 over 35 U.S.C. § 103(a) as being unpatentable over Rein in view of Kasuga and further in view of McNair (U.S. Patent No. 5,595,342). As explained above, claim 10, from which claim 16 depends, is not obvious over Rein in view of Kasuga. Furthermore, McNair does not teach, disclose, or suggest at least the deficiencies of Rein and Kasuga as discussed above.

For at least these reasons, applicant respectfully submits that claim 16 is not obvious over Rein in view of Kasuga and further in view of McNair. Therefore, applicant respectfully requests allowance of this claim.

II. Claims 17-18

Applicant respectfully traverses the Office Action's rejection of claims 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Rein in view of Kasuga. As explained in the Office Action, Rein fails to disclose transmitting a "program directly executable by the processing unit." However, as explained above and will be further explained below, applicant respectfully traverses the Office Action's assertion that Kasuga makes up for the deficiencies of Rein.

A. Kasuga does not transmit a program directly executable by the processing unit.

As explained above, unlike the claimed invention, Kasuga discloses a system that transmits instructions to a robot in RCODE language in units of lines or steps. Then, the RCODE language must be read and interpreted by an interpreter of the robot line by line.

Conversely, the claimed invention requires "transmitting binary data" that includes "at least one code program directly executable by the processor unit." As explained above, this is quite different and unlike Kasuga.

B. *The functionalities of the robot in Kasuga cannot be altered.*

Further unlike the claimed invention and as explained above, the robot of Kasuga has “middleware” that allows elementary functions of the robot. However, in Kasuga, there is no way to alter the middleware.

Conversely, the claimed invention is a “method for altering an actuator’s operation.” The claimed invention also requires that the “program directly executable by the processing unit of the actuator . . . alters how the processing unit controls the operation of the actuator.” As explained above, this is quite different and unlike the system of Kasuga.

C. *The transferred program in Kasuga is stored in RAM.*

Even more unlike the claimed invention and as explained above, Kasuga discloses a system in which the transferred program is stored in a RAM memory. Conversely, the claimed invention requires that the program is stored in an “electronically reprogrammable memory of the processing unit.”

As explained in the published subject application, the “reprogrammable memory” can be “of the EEPROM type and is therefore electrically erasable.” See Grehant, pars. [0038] – [0039]. As explained above, this is quite different and unlike the system disclosed in Kasuga.

D. *The claimed invention is not obvious.*

For at least the reasons as stated above, applicant respectfully submits that claims 17-18 are not obvious over Rein in view of Kasuga. Therefore, applicant respectfully requests allowance of these claims.

III. Closing Remarks

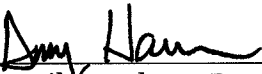
For the foregoing reasons, applicant submits that the subject application is in condition for allowance and respectfully requests allowance of the application. Should the Examiner be of the opinion that a telephone conference would expedite the

prosecution hereof, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, such as a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

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